

REMARKS/ARGUMENTS

Upon entry of the above amendment, claim 19 has been amended for consideration by the Examiner. Thus, claims 19-27 remain pending in the present application. Applicant respectfully requests reconsideration of the outstanding rejections of the claims pending in the present application. Such action is respectfully requested and is now believed to be appropriate and proper.

Initially, Applicant would like to express his appreciation to the Examiner for the detailed Official Action provided.

Applicant notes that Applicant has filed Information Disclosure Statements in the present application on September 29, 1999 and June 8, 2004. However, the PTO-1449 Forms submitted with these Information Disclosure Statements have not been returned. Accordingly, Applicant respectfully requests that the Examiner send copies of the signed PTO-1449 Forms attached to these Information Disclosure Statements to Applicant to confirm consideration of the cited documents. Should the Examiner not have copies of Information Disclosure Statements or of the documents cited therein, the Examiner is respectfully requested to contact the undersigned who will endeavor to provide any necessary materials.

In this regard, Applicant notes that the Information Disclosure Statement of June 8, 2004 was filed only a short time before the issuance of the Official Action of July 1, 2004. Accordingly, it is possible that the above-noted Information Disclosure Statement may merely not have yet been associated with the application file. Accordingly, the

Examiner is respectfully requested to carefully review the file and if the Information Disclosure Statement is of record therein, he is respectfully requested to consider the documents and to confirm such consideration by returning a copy of the PTO-1449 Form attached thereto.

Turning to the merits of the action, the Examiner has rejected claims 19, 22, 24, and 25-27 under 35U.S.C § 102(e), as being anticipated by SMITH et al. (U.S. Patent No. 6,463,462). The Examiner also rejected claim 20 under 35U.S.C § 102(e), as being anticipated by SMITH et al. (U.S. Patent No. 6,463,462). The Examiner further rejected claims 21 and 23 under 35 U.S.C § 103(a) as being unpatentable over SMITH et al. (U.S. Patent No. 6,463,462) in view of BOBO, II (U.S Patent No. 5,675,507).

As noted above, claims 19-27 remain pending for consideration. Applicant respectfully traverses the above rejections based on the pending claims 19-27 and will discuss the rejection with respect to the pending claims in the present application as will be set forth hereinbelow.

Applicant's claims relate to an image data transmitting apparatus that has a memory in which an e-mail address of a recipient and an address of a server corresponding to the e-mail address of the recipient are stored, and a file converter that converts image data into a predetermined plurality of file formats, the data of each file format including all of the image data. The image transmitting apparatus further includes a transmitter that determines the server corresponding to the recipient when the e-mail address of the recipient is input, transmits, to the server, the data in each of the

predetermined plurality of file formats and transmits, to the recipient, by e-mail, the address of the server in which the data in the predetermined plurality of file formats corresponding to the image data is stored. Thus, Applicant's transmitting apparatus includes the file converter and the transmitter. The transmitter transmits the plurality of data files to the server and also transmits the address of the appropriate server to the recipient.

Applicant's invention is also directed to an image receiving apparatus connected to an image transmitting apparatus through a network including at least one server. The server is configured to store image data to be received in a predetermined plurality of file formats, the data of each file format including all of the of the image data. The image receiving apparatus receives an e-mail of an address of a server in which the image data to be received is stored, accesses the server by using the address to select image data that is stored in a file format corresponding to the capability of the image receiving apparatus and extracts the image data of said selected file format from the server.

The above-noted features of Applicant's invention were discussed with Examiner Safaipour during a telephone interview on August 4, 2004. Initially, Applicant respectfully thanks the Examiner and her supervisor for their assistance in scheduling, preparing for and conducting the above-noted interview. Applicant further thanks the Examiner for her cooperative nature and positive approach towards the interview and towards the present application as well as for her open minded approach to the Applicant's comments.

The above-noted interview was conducted by the undersigned representative of the Assignee of the present application and the present invention was described, the references discussed and the features of the present invention not disclosed by the references were set forth for the Examiner.

In particular, Applicant's undersigned representative pointed out that the claims of the present application (for example, claim 19) recites, inter alia, a transmitter that performs two transmissions. As recited, the transmitter transmits, to the server, the data in each of the predetermined plurality of file formats and also transmits, to the recipient, by e-mail the address of the server in which the data in the plurality of file formats corresponding to the image data is stored.

In other words, not only does the transmitter perform two distinct transmissions, the data involved in each of these transmissions is different and the destination of each of these transmissions is different. In the first transmission, data in the predetermined plurality of file formats is transmitted to the server. On the other hand, in the second transmission, which takes place by e-mail, the address of the server in which the data is stored is transmitted to the recipient. During the above-noted interview, Applicant's representative pointed out that the SMITH et al. reference relied upon by the Examiner does not disclose at least the above-noted features as recited in Applicant's various claimed combinations.

During the above-noted interview, Applicant's undersigned representative also described the operation of Applicant's invention from the prospective of the image

receiving apparatus. In particular, Applicant's representative pointed out that the receiver is configured to receive an e-mail of an address of the server in which the image data to be received is stored and an extractor is configured to access the server by using the e-mail address to select image data that is stored in a file format corresponding to the capabilities of the image receiving apparatus and to extract the image data of the selected file format from the receiver. In other words, the image receiving apparatus according to the present invention is configured to extract a first information from the server and to receive a second information from the transmitting apparatus. The information received from the transmitting apparatus is the address of the server in which the image data is received. The image receiving apparatus then utilizes that address to access the server and to extract the appropriate image data therefrom.

During the above-noted interview, Applicant's undersigned representative also discussed the shortcomings of the SMITH et al. reference relied upon by the Examiner. In particular, Applicant's representative addressed the assertion set forth in the Examiner's "Response to Arguments" section of the Official Action of July 1, 2004. Applicant's representative pointed out that since the Examiner considers the UN server as the transmitting apparatus, then SMITH et al. does not contain another server that is capable of performing the functions recited in Applicant's claims. Moreover, Applicant addressed the Examiner's assertion that because the recipient of SMITH et al. selects the time and date of messages, it meets the terms of the claim with respect to the selection of data. In this regard, Applicant's representative pointed out that Applicant's claim

requires selection of image data rather than merely data. Thus, the time, the date, and the location do not meet the terms of Applicant's claims.

During the above-noted interview, Applicant's undersigned representative pointed out various other features of Applicant's invention that are not taught, disclosed nor rendered obvious by the SMITH et al. reference relied upon by the Examiner as the primary basis for the rejection of the claims in the present application.

At the conclusion of the interview, the Examiner indicated that she now more clearly understood Applicant's invention and the distinctions between Applicant's recited invention and the disclosure of SMITH et al. The Examiner promised that the rejection would be reconsidered upon receipt of an appropriate response and that depending upon the outcome of an update search, a suitable communication would be forwarded to the Applicant.

As noted previously, Applicant's undersigned representative notes with appreciation the Examiner's cooperation and open mindedness during the above-noted interview as well as her assistance in scheduling the interview and her knowledge of the subject matter as exhibited during the above-noted interview. The Examiner's assistance has helped expedite the prosecution of the present application.

Contrary to the features of the present invention, SMITH et al. discloses an automated system which includes a UN client, a UN server, and a recipient. The UN client presents a user with a universal message form. The user creates a message on the universal message form. The UN client sends the message to the UN server. The UN

server converts the message into a proper communication format for the recipient, based on recipient information. The UN server sends the converted message to the recipient and the recipient responds to the UN server.

In the outstanding Official Action mailed on July 1, 2004, the Examiner asserts that the “Examiner considers the UN server as a transmitting apparatus.” However, if the UN server of SMITH et al. were the transmitting apparatus of the pending claims, SMITH et al. would not have the server of the present invention. As defined in e.g., claim 19, “the data in the predetermined plurality of file formats corresponding to the image data is stored” in the server.

Further, in e.g., claim 19, the image data transmitting apparatus transmits, to said server, the data in each of the predetermined plurality of file formats, and transmits, to said recipient, by e-mail, the address of the server. On the other hand, in SMITH et al., the UN server transmits the converted message to the recipient. Thus, even if the UN server of SMITH et al. is the transmitting apparatus of the pending claims, the UN server does not have the claimed transmitter which determines the server corresponding to the recipient when the e-mail address of the recipient is input, transmits to said server the data in each of the predetermined plurality of file formats, and transmits to said recipient, by e-mail, the address of the server in which the data in the predetermined plurality of file formats corresponding to the image data is stored.

Further, in the above outstanding Official Action, the Examiner asserts that “the recipient information are stored in their respective profiles (col. 4, lines 46-57) and therefore, are predetermined”. However, SMITH et al. translates the message form and content of a single message intended for a single recipient into a plurality of message formats for transmitting the

single message “to messaging devices of different types” when more than one messaging device has been selected by the recipient in the recipient’s corresponding recipient profile, as recited in claim 9 of SMITH et al.

On the other hand, in the present invention, the image data transmitting apparatus converts image data into a predetermined plurality of file formats, the data of each file format including all of the image data, and the all of file formats are receivable by a single type of receiving apparatus (see claim 26). Thus, SMITH et al. does not convert image data into a predetermined plurality of file formats for transmitting the single message “to a single type of receiving apparatus” as recited in claim 26.

Thus, it is respectfully submitted that the features recited in Applicant’s claims 19-21, 24, and 26-27 are not also disclosed in SMITH et al. cited by the Examiner.

Moreover, in the above outstanding Official Action, the Examiner asserts that “recipient of SMITH et al. selects the time, the day and also the location that certain messages (normal importance or high importance) can be sent (col. 9, lines 14-24).” However, even if the recipient of SMITH et al. can select the time, the day, and the location, the recipient of SMITH et al. cannot extract selected image data stored in the server. On the other hand, the present invention is not directed to selection of the time, the day, and the location, but relates to the selection of image data stored in the server. Thus, SMITH et al. does not disclose an extractor which accesses the server by using said address to select image data that is stored in a file format corresponding to the capability of the image receiving apparatus, and extracts the image data of said selected file format from said server, as recited in claim 22.

Thus, it is respectfully submitted that the features recited in Applicant's claims 22-23, and 25 are not also disclosed in SMITH et al. cited by the Examiner.

Regarding the rejection under 35 U.S.C. § 103(a), as explained above, SMITH et al. does not disclose the features of the independent claims 19 and 22. Thus, since claims 21 and 23 are dependent from allowable independent claims 19 and 22, which are allowable for at least the reasons discussed above, these claims are also allowable for at least these reasons. Further, all of the dependent claims recite additional features which further define the features recited in the independent claims.

Therefore, the combinations of the pending claims are clearly distinct from the combination of SMITH et al. and BOBO II, since at least SMITH et al. does not disclose the features of the present invention. It is respectfully submitted that the pending claims are patentable over the Examiner's asserted combination.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejections and an indication of the allowability of all the claims pending in the present application in due course.

By the present response Applicant has mended claim 19 to eliminate a minor language informality and to improve the form thereof. Entry of this amendment, although the status of the application is after final rejection is respectfully requested. The amendment to claim 19 does not raise any new issues requiring further search or consideration but merely places the claim into better form for allowance. Thus entry is submitted to be appropriate.

SUMMARY AND CONCLUSION

Applicant has made a sincere effort to place the present application in condition for allowance and believes that he has now done so. Applicant has submitted a minor change to claim 19 for consideration by the Examiner. With respect to the pending claims, Applicant has pointed out the features thereof and has contrasted the features of the pending claims with the disclosure of the references.

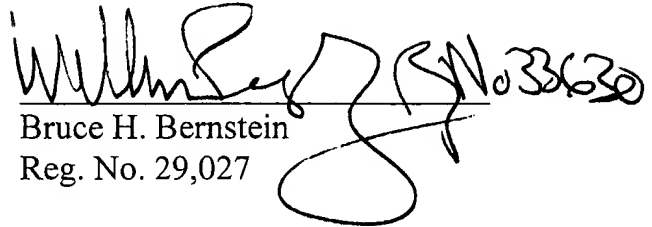
Applicant has also made of record a telephone interview conducted with the Examiner, during which the invention and the shortcomings of the references were pointed out. Accordingly, Applicant has provided a clear evidentiary basis supporting the patentability of all claims in the present application and respectfully requests an indication of the allowability of all the claims pending in the present application in due course.

Any amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

P18153.A14

Should the Examiner have any questions or comments regarding this Response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
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